

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

SEP 29 2017

By DOUGLAS F. YOUNG, Clerk
Deputy Clerk

ALEXIS HERRERA

PLAINTIFF

VS.

NO. 17-4086

COOPER TIRE & RUBBER COMPANY

DEFENDANT

NOTICE OF REMOVAL

In accordance with 28 U.S.C. § 1441 and 1446, defendant, Cooper Tire & Rubber Company ("Cooper Tire") gives notice of the removal of this action from the Circuit Court of Miller County, to the United States District Court of the Western District of Arkansas, Texarkana Division. This Court has original jurisdiction over this action based on diversity of citizenship, as shown by the following:

1.

On August 22, 2017, plaintiff, Alexis Herrera filed this lawsuit, styled *Alexis Herrera vs. Cooper Tire & Rubber Company*, in the Circuit Court of Miller County, Arkansas, as case number 46CV-17-314.

2.

Cooper Tire was served with a copy of the summons and complaint on or after September 1, 2017. Removal of this action is timely because it comes within thirty days of Cooper Tire's receipt of service of process. 28 U.S.C. § 1446(b)(1).

3.

Attached as Exhibit A to this notice are “all process, pleadings, and orders served upon” Cooper Tire. 28 U.S.C. § 1446(a).

4.

The Court has original jurisdiction over this action because it is between citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest, as pleaded in paragraph 24 of the plaintiff’s complaint.

5.

According to the allegations in the complaint, plaintiff is a citizen of Arkansas.

6.

Cooper Tire is a foreign corporation incorporated in the state of Delaware with a principal place of business in the state of Ohio.

7.

Complete diversity therefore exists. 28 U.S.C. § 1332(a)(1).

8.

The United States District Court for the Western District of Arkansas Texarkana Division, embraces the county in which the state court action was pending.

9.

Cooper Tire has served a copy of this notice on counsel for plaintiff, at the address provided in the summons; and Cooper Tire will promptly file with the clerk for the Circuit Court of Miller County, Arkansas, a copy of this notice. 28 U.S.C. § 1446(d).

10.

Undersigned counsel states that this removal is well grounded in fact, warranted by existing law, and not interposed for any improper purpose.

WHEREFORE, defendant, Cooper Tire & Rubber Company, removes this action from the Circuit Court of Miller County, Arkansas, to the United States District Court for the Western District of Arkansas, Texarkana Division.

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BAR NO. 88046

TONY A. DiCARLO, III

BAR NO. 06046

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that a true and correct copy of the foregoing notice of removal has been sent on this 28th day of September, 2017, to:

Mr. Geoff Thompson
Rainwater, Holt and Sexton, P.A.
Post Office Box 17250
Little Rock, Arkansas 72223



TONY A. DiCARLO, III